

Appl. No. 10/805,223
Reply to Office Action of July 18, 2006

REMARKS

Claims 13, 14, 16-18 and 20-25 are now pending in the application. Claim 13 has been amended by reciting "comprising" in place of "consisting of". Claim 13 has also been amended by deleting the subject matter from prior claims 15 and 19 that was incorporated into claim 13 in our prior response. New claims 23 and 24 correspond to cancelled claims 15 and 19, respectively. New claim 25 finds support at page 10, line 4, of the specification, for instance. In view of the above amendments claims 16 and 22 have been amended to depend from claims 23 and 24, respectively in place of claim 13. The amendments to the claims and newly presented claims do not introduce any new matter.

The rejection of Claims 13, 14, 16-18 and 20-22 under the judicially created doctrine of obviousness type double patenting as being unpatentable over the claims of US Patent 6,764,562 B1 has been overcome by the filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above, consideration and allowance are, therefore, respectfully solicited. In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

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The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



Burton A. Amernick Reg. No. 24, 852

Connolly Bove Lodge & Hutz LLP

1990 M Street, N.W.

Washington, D.C. 20036-3425

Telephone: 202-331-7111